

**JAMES HAWKINS APLC**

James R. Hawkins, Esq.  
Isandra Fernandez, Esq.  
Kacey E. Cook, Esq.  
Anthony L. Draper, Esq.  
james@jameshawkinsaplc.com  
isandra@jameshawkinsaplc.com  
kacey@jameshawkinsaplc.com  
anthony@jameshawkinsaplc.com  
9880 Research Drive, Suite 200  
Irvine, CA 92618

Attorneys for Plaintiff  
Joseph Vigil

*Additional counsel listed on next page*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

JOSEPH VIGIL, on behalf of himself and all  
others similarly situated,

Plaintiffs,

vs.

DAK RESOURCES, INC., a Florida corporation;  
MICHAELS STORES, INC., a Delaware  
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. 2:23-cv-00163-TLN-AC

[Assigned to Hon. Troy L. Nunley]

**CLASS ACTION**

**JOINT STIPULATION TO AMEND PARTY  
NAME AND ORDER**

Date Removal Filed: January 27, 2023  
Date Action Filed: November 28, 2022  
(San Joaquin Superior Court  
Case No.: STK-CV-UOE-2022-0010924)

**JACKSON LEWIS P.C.**

Michael D. Thomas, Esq. (SBN 226129)  
Jordan Wysocki, Esq. (SBN 334671)  
Michael.Thomas@jacksonlewis.com  
Jordan.Wysocki@jacksonlewis.com  
200 Spectrum Center Dr., Suite 500 Irvine,  
CA 92618  
Tel: (949) 885-1360  
Fax: (949) 885-1380

Attorneys for Defendant  
DAK Resources, Inc.

**PROSKAUER ROSE LLP**

GREGORY W. KNOPP (SBN 237615)  
JONATHAN P. SLOWIK (SBN 287635)  
DIXIE M. MORRISON (SBN 341850)  
gknopp@proskauer.com  
jslowik@proskauer.com  
dmorrison@proskauer.com  
2029 Century Park East, Suite 2400  
Los Angeles, CA 90067  
Tel: 310.557.2900  
Fax: 310.557.2193

Attorneys for Defendant  
Michaels Stores, Inc.

**STIPULATION**

Plaintiff Joseph Vigil (“Plaintiff”), on the one hand, and Defendants DAK Resources, Inc. (“DAK”) and Michaels Stores, Inc. (“Michaels Stores”), on the other hand, by and through their respective attorneys of record, hereby stipulate as follows, with reference to the following facts:

**WHEREAS**, from in or about October 2021 to December 2021, Plaintiff worked in a distribution center operated by Michaels Stores Procurement Company, Inc. (“Michaels Procurement”);

**WHEREAS**, on November 28, 2022, Plaintiff filed this instant action in the Superior Court of California, County of San Joaquin, naming DAK and Michaels Stores as defendants;

**WHEREAS**, on January 27, 2023, Michaels Stores removed this action to this Court;

**WHEREAS**, the allegations in Plaintiff’s complaint arise from his alleged experiences working at the distribution center operated by Michaels Procurement;

**WHEREAS**, Michaels Stores and Michaels Procurement are separate legal entities;

**WHEREAS**, on July 7, 2023, during a telephonic meet-and-confer, counsel for Michaels Stores informed counsel for Plaintiff and DAK that Michaels Stores was improperly named as a defendant and that Michaels Procurement was a more appropriate named defendant;

**WHEREAS**, in light of the above, the parties jointly acknowledge that Michaels Stores has been incorrectly named as a defendant in the above-captioned matter;

**WHEREAS**, the parties further jointly acknowledge that the proper defendant party is Michaels Procurement;

**WHEREAS**, as pled in its Answer, Michaels contends that neither Michaels Stores nor Michaels Procurement is or ever was Plaintiff’s employer;

**WHEREAS**, the parties propose the following amended case caption for this matter: Joseph Vigil, on behalf of himself and all others similarly situated v. DAK Resources, Inc., a Florida corporation; Michaels Stores Procurement Company, Inc., a Delaware corporation; and Does 1 through 50, inclusive.

**NOW, THEREFORE, IT IS HEREBY STIPULATED, AND REQUESTED, SUBJECT TO THE COURT’S APPROVAL, THAT:**

The case caption shall be amended to reflect the removal of Michaels Stores, Inc. as a named defendant and the substitution of Michaels Stores Procurement Company, Inc. as the properly named defendant party.

**IT IS SO STIPULATED.**

Dated: September 29, 2023

**JAMES HAWKINS APLC**

By: /s/ Anthony L. Draper  
James R. Hawkins, Esq.  
Isandra Fernandez, Esq.  
Kacey E. Cook, Esq.  
Anthony L. Draper, Esq.  
Attorneys for Plaintiff  
Joseph Vigil

Dated: September 29, 2023

**JACKSON LEWIS P.C.**

By: /s/ Jordan Wysocki  
Michael D. Thomas, Esq.  
Jordan Wysocki, Esq.  
Attorneys for Defendant  
DAK Resources, Inc.

Dated: September 29, 2023

**PROSKAUER ROSE LLP**

By: /s/ Dixie M. Morrison  
Gregory W. Knopp  
Jonathan P. Slowik  
Dixie M. Morrison  
Attorneys for Defendant  
Michaels Stores, Inc.

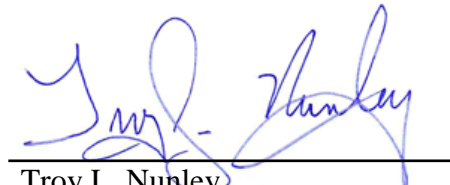
**ORDER**

The Court, having reviewed the Plaintiff Joseph Vigil's, Defendant DAK Resources, Inc.'s, and Defendant Michaels Stores, Inc.'s (collectively, the "Parties") Joint Stipulation to Amend Party Name, and good cause appearing, **HEREBY ORDERS** as follows:

Pursuant to the Parties' Joint Stipulation to Amend Party Name, the case caption for this action shall be amended to reflect the removal of Michaels Stores, Inc. as a named defendant and the substitution of Michaels Stores Procurement Company, Inc. as the properly named defendant party.

**IT IS SO ORDERED.**

Dated: September 29, 2023

  
Troy L. Nunley  
United States District Judge